

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY LOMAX, et al.,

No. C 11-02858 CRB

Plaintiffs,

ORDER VACATING DISMISSAL

v.

CITY OF ANTIOCH POLICE, et al.,

Defendants.

After the Court dismissed the above-captioned matter for failure to prosecute, it received a Response to its Dismissal Order from Plaintiffs. Dkt. 15. In that Response, Plaintiffs assert that they were not served with and did not receive the Court's July 25, 2011 Order to Show Cause. As it is not clear to the Court whether Plaintiffs were in fact served with the Court's July 25, 2011 Order to Show Cause, the Court hereby VACATES the August 8, 2011 Order Dismissing the Case for Failure to Prosecute and Comply with Order to Show Cause (dkt. 10).

Plaintiffs have also now filed a Response to Defendants' Motion to Dismiss. Dkt. 16. As Defendants filed their Reply before this Response, Defendants may now file a new Reply, if they wish to do so, by Friday, August 26, 2011. The Motion to Dismiss is set for

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1 hearing at 10:00 am, Friday, September 16, 2011.

2 **IT IS SO ORDERED.**

3 Dated: August 18, 2011



4 CHARLES R. BREYER
5 UNITED STATES DISTRICT JUDGE
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